

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GEORGE HENRY YOUNG, HARVEY  
WEGLARZ, and WILLIAM CHAKUR, ON  
BEHALF OF THE Ironworkers Local 25  
Pension Fund,

Plaintiffs,

v.

CIVIL CASE NO. 07-12368

HONORABLE PAUL V. GADOLA  
U.S. DISTRICT JUDGE

JAMES HAMRIC, JAMES EDWARDS,  
PATRICK GLEASON, STEVEN GULICK, D.  
JAMES WALKER, JR. ART ELLUL, J.  
MICHAEL ROGERS ("Trustee Defendants")  
and ANTHONY ASHER, MICHAEL J.  
ASHER, and SULLIVAN, WARD, ASHER  
AND PATTON, P.C., a Professional  
Corporation, jointly and severally,

Defendants.

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**ORDER ACCEPTING REPORT AND RECOMMENDATION**

Now before the Court is Magistrate Donald A. Scheer's April 30, 2008 Report and Recommendation. The Report and Recommendation recommends that Defendants Anthony Asher, Michael J. Asher and Sullivan, Ward, Asher, and Pattion, P.C.'s Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) be denied and that the Trustee Defendants' Motion to Dismiss for Lack of Ripeness or Alternative to Stay the Proceedings be denied. The Report and Recommendation also recommends that Plaintiffs' Motion for Consolidation with Eastern District of Michigan Case No. 04-40243, pursuant to Federal Rule of Civil Procedure 42(a)(2) be granted. Finally, the Magistrate Judge notified the parties that any objections to the Report and

Recommendation must be filed within ten days of service. No party has filed objections to the Report and Recommendation.

The Court's standard of review for a magistrate judge's report and recommendation depends upon whether a party files objections. If a party does not object to the report and recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings." *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Because neither party filed timely objections to Magistrate Judge Scheer's Report and Recommendation, *see* 28 U.S.C. § 636(B)(1)(c), this Court need not conduct a review.

**ACCORDINGLY, IT IS HEREBY ORDERED** that the April 30, 2008 Report and Recommendation [docket entry #42] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

**IT IS FURTHER ORDERED** that Defendants Anthony Asher, Michael J. Asher and Sullivan, Ward, Asher, and Pattion, P.C.'s Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) [docket entry #6] is **DENIED**.

**IT IS FURTHER ORDERED** that the Trustee Defendants' Motion to Dismiss for Lack of Ripeness or Alternative to Stay the Proceedings [docket entry #8] is **DENIED**.

**IT IS FURTHER ORDERED** that Plaintiffs' Motion for Consolidation [docket entry #32] is **GRANTED**.

**IT IS FURTHER ORDERED** that this case, Case No. 07-12368 is **CONSOLIDATED**

with Case No. 04-40243.

**IT IS FURTHER ORDERED** that the **member case** of *Young, et al., v. Hamric, et al.*, Case No. 07-12368, is **CONSOLIDATED** under the **lead case** of *Iron Workers Local No. 25 Pension Fund v. Watson Wyatt & Co.*, Case No. 04-40243. All materials pertaining to the member case, Case No. 07-12368, shall henceforth be filed and docketed under the lead case.

**SO ORDERED.**

Dated: June 4, 2008

s/Paul V. Gadola  
HONORABLE PAUL V. GADOLA  
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on June 4, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:  
Michael A. Alaimo; Sharon S. Almonrode; Michael J. Asher; Bishop A.L.E. Bartoni; Matthew J. Bredeweg; Eugene Driker; Thomas S. Gigot; Milton S. Karfis; Jenice C. Mitchell; Jon R. Muth; James R. Patterson; John A. Streby; Barry B. Sutton; Morley Witus; Sharon M. Woods, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: \_\_\_\_\_.

s/Ruth A. Brissaud  
Ruth A. Brissaud, Case Manager  
(810) 341-7845